

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES BRITTINGHAM,

Plaintiff,

No. CIV S-04-0037 LKK DAD P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

By order filed October 26, 2005, plaintiff was instructed to file and serve a status report within thirty days. Plaintiff has filed a document titled "Response to Status Report." The document was not served on defendant Sandham. Plaintiff states that he submitted documents to prison staff for photocopying in accordance with a new institutional policy and that all of his documents were lost or destroyed. Plaintiff alleges that the loss or destruction was intentional and that his "whole case is lost." Citing the institution's mishandling of his documents, plaintiff claims he cannot comply with the rule requiring him to serve his status report on defendant's counsel. Plaintiff asks the court to serve the document on his behalf.

Plaintiff's request for service by the court will be denied. Plaintiff will be granted thirty days to file and serve an amended status report. The amended status report shall not contain any matter other than plaintiff's responses to the topics listed in the Order Requiring

1 Status Report.¹ Any other matter must be presented in a separate document that is appropriately
2 titled and properly supported. If plaintiff declines to follow institutional procedures for obtaining
3 copies of his amended status report, he must make identical handwritten copies for mailing to the
4 court and to defendant's Sandham's counsel. Plaintiff is cautioned that all subsequent
5 documents submitted to the court for filing must be served on defendant's counsel and must
6 include proof of such service. Fed. R. Civ. P. 5; Local Rule 5-135(b) and (c).

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's November 21, 2005 request for service by the court is denied.

9 2. Plaintiff's amended status report shall be filed and served within thirty days
10 from the date of this order. Defendant Sandham's status report shall be filed and served within
11 thirty days after plaintiff's amended status report is served. Any party's failure to file a status
12 report in accordance with this order may result in the imposition of sanctions.

13 DATED: November 30, 2005.

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16 DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE

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24 ¹ The Order Requiring Status Report does not instruct plaintiff to submit copies of
25 exhibits or other documents with his status report, and no documents should be attached to
26 plaintiff's amended status report. It appears that most of plaintiff's lost documents are copies of
documents maintained in his prison central and medical files. Plaintiff has not shown that he will
be unable to obtain duplicates.